

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10205 of 2023

Arising Out of PS. Case No.-326 Year-2021 Thana- KASIMBAZAR District- Munger

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DHANRAJ YADAV @ AMIT KUMAR S/o Uttam Kumar Yadav @ Uttam
Yadav R/o village- Sandalpur, P.S.- Kasim Bazar and Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 27490 of 2023

Arising Out of PS. Case No.-326 Year-2021 Thana- KASIMBAZAR District- Munger

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RANA YADAV SON OF LATE RAJENDRA YADAV Resident of mohalla -
Sandalpur, P.S. - Kasim Bazar, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 10205 of 2023)

For the Petitioner/s : Mr. Ashutosh Kumar Verma, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 27490 of 2023)

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in connection with Kasim

Bazar P.S. Case No. 326 of 2021 registered for the offence

under Sections 341, 323, 504, 506, 307 and 34 of the Indian

Penal Code and Section 27 of the Arms Act.



The petitioners are alleged to have inflicted the gun shot injuries to the informant and her nephew due to which they fell down.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that further submits that this case is a counter blast of Kasim Bazar P.S. Case No. 317 of 2021 filed by the brother of petitioner namely, Dhanraj Yadav @ Amit Kumar against the informant and her nephew along with others and on account thereof, this false case has been lodged against the petitioners. He further submits that the occurrence is alleged to have been taken place on 17.11.2021 whereas the F.I.R. has been instituted on 25.11.2021 after lapse of eight days without explaining the delay. He further submits that the injury report of the injured suggest that informant and her nephew sustained gun shot injuries but they are not found on their vital part of the body. He further submits that though there is allegation in the F.I.R against the petitioner, Rana Yadav that he inflicted gun shot injury to the nephew of the informant, namely, Sawan Kumar whereas Sawan Kumar is languishing in judicial custody in connection with Kasim Bazar P.S. Case



No. 317 of 2021 for the alleged murder of one Rajeev. He further submits that this fact only brushed aside the entire prosecution story declaring it ornamental, false and fabricated. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners rotting in judicial custody since 20.09.2023 and 26.08.2022, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, Dhanraj Yadav @ Amit Kumar carries four more cases other than the present one whereas the petitioner, Rana Yadav carries eight more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Munger (for petitioner, Dhanraj Yadav @ Amit Kumar)/ Chief Judicial Magistrate, Munger (for petitioner, Rana Yadav) in connection with Kasim Bazar P.S. Case No. 326 of 2021 in with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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